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Office of the R.L.A.

Compensation for loss of business.

Defence of India Rules, 1939.

R.L.A's opinion Nos. G.127, dated 20-4-1950, G-282, dated 24-8-1950.

Shop No.1 in Mistry Building, Jerbai Wadia Road, Parel, which was in the occupation of one Shri Ravji Ladha, was requisitioned under the Defence of India Rules by Order No. M30.467-H, dated the 13th January 1944 for conducting therein a Government grain shop and the possession of the shop was taken on 18th January 1944. On 31st December 1949 Shri Ravji Ladha put in a claim for compensation for loss of business amounting to Rs. 15,660. This claim was scrutinised by the Collector's office and rejected on the ground that there was considerable delay in making the claim and that the claimant suffered no damage by reason of requisition inasmuch as he was earning his livelihood by taking employment at the shop of Shri Mulji Ramshi of Parel after requisition. The claimant has now approached Government in the matter and it is proposed by R.D. to turn down his request. The R.L.A. is, however, requested to advise.

In his opinion No.G.127, dated 20th April 1950 the R.L.A. had held that a claim for compensation would be barred under article 120 after a lapse of six years; but subsequently in his opinion No.G.282 dated the 24th August 1950, the R.L.A. held that the bar of limitation would apply only if the tenant makes his claim in a civil court and that as section 19 of the Defence of India Act prescribes no limitation, it would be open to the Collector to admit the claim even after the period of limitation. It is contended by the claimant that he has suffered loss on account of the requisition order. If the claimant has really suffered loss, he would be entitled to a reasonable

compensation on the basis of loss of earning. This w however, be a question of fact which will have to be determined after hearing him. There would, therefore no legal objection to appointing an arbitrator in the matter so that he might consider whether the claimant has really suffered loss by reason of the requisition if so, what compensation should be awarded.

Id/- P.M.L. 8/11/52.

Remembrancer of Legal Affair

U.R. to R.D. No. 184784, dated the 6th November 1952.

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